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OFFICE OF PETITIONS

In re Application of :
Tan et al. :
Application No. 09/872,234 :
Filed: May 31, 2001 :
Docket No. 50277-1512 (OID 2000-059-01) :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed October 12, 2005, and resubmitted on February 15, 2006.

This application was held abandoned for failure to respond timely to the final Office action, mailed on February 9, 2005, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned on May 10, 2005. A Notice of Abandonment was mailed on February 14, 2006.

In the petition, the practitioner asserted that neither he, the applicants, nor any employee of the law firm ever received the final Office action. The practitioner attested to the fact that a search of the file jacket and docket records indicated that the final Office action was not received. The practitioner submitted a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. Accordingly, applicants requested that the Office withdraw the holding of abandonment, re-mail the final Office action, and restart the period for reply.

A review of the record indicates that applicants filed a change of correspondence address on November 16, 2004. Unfortunately, the Office did not correctly enter the change of correspondence address. For this reason, the USPTO mailed the final Office action and the Notice of Abandonment to an incorrect correspondence address.

In view of the above, the petition to withdraw the holding of abandonment is **granted**. The Notice of Abandonment was mailed in error and is hereby withdrawn. As the practitioner did not receive the original final Office action of February 9, 2005, **Technology Center Art Unit 2193 shall re-mail the final Office action and restart the period for response.**

This matter is being referred to Technology Center Art Unit 2193 for further action consistent with this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.

A handwritten signature in cursive script that reads "Christina Tartera Donnell".

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions